

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 21, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Chairman Snow introduced the new Executive Secretary, Ed Dunsmore, and welcomed him to the agency.

Marc Carmichael, Lisa Goldner, John Barnett, Debbie Scott, Pedro Martinez, Ken Carter, Ray Raszewski and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 7, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the April 21, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL70-25100 GASAMERICA SERVICES, INC. – Vice Chairman Johnson noted this was a recommended denial by the Rush County Local Board and an upholding of that recommendation by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now tenders his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Guthrie moved to uphold the hearing judge's recommendation to overturn the local board and grant the new permit. Motion seconded by Commissioner Sturtz and Chairman Snow also voted to grant the permit. Because Vice Chairman Johnson was the hearing judge in this matter, he abstained from the vote.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred sixty-seven (367) renewals approved, thirty-nine (39) new and/or transfer permits approved, three (3) permits approved for catering, five (5) permits approved for first year escrow, seven (7) permits approved for second year escrow, five (5) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for sixth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR91-18901 SAYLER'S BAR & GRILL, INC. – Commissioner Guthrie noted this is a type 209 renewal with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie stated the reason for the one recommended denial was because the food figures submitted to the Commission did not meet the statutory requirements.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal, with the understanding that the permittee work with Vice Chairman Johnson regarding the food figure requirements. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL23-23580 PAMIDA STORES OPERATING CO., LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL35-25787 JOHNSON PETROLUEM, INC. – Commissioner Guthrie noted this is a new type 107 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL75-25758 INDIANA SUPERMARKETS, INC. – Commissioner Guthrie noted this is a new type 116 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the opposition consisted of petitions that referenced an increase in drunk driving and underage drinking on that highway, if the permit was granted. No statutory reasons were given to disapprove the new permit. The Commissioner also stated that the applicant is qualified to hold the permit.

Commissioner Guthrie moved to overturn the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR82-08172 SIDAL, INC. - Commissioner Guthrie moved to approve the conversion of this type 209 permit to a type 210 permit, due to annexation into the city limits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-18326 THE BREW PUB, LTD. - Commissioner Guthrie moved to deny the permittee's request to convert this type 209 permit to a type 210, due to annexation into the city limits. The permittee does not qualify for conversion. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

RR48-02248 RENGES, INC. – Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS REVOKED – Vice Chairman Johnson stated twenty-five (25) permittees were sent notice to appear before the Commission on this date, regarding the revocation of their permit. Twenty-three (23) of the permittees did not appear at the meeting, and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Two (2) permittees appeared regarding the revocation. Commissioner Guthrie moved to continue the revocation hearing for sixty (60) days for permit #RC46-83087 Lake Michigan Social Club and permit #RR45-19536 Triple Rasz, Inc. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER